

We have to depend on you to keep that balance, to have that creative tension. I know you will do it. I hope you will think about this chart when you go home tonight. I hope that you will be proud of what you have done for your

country. And I hope you will know that we are very proud of you and very grateful.

Thank you very much, and happy New Year.

NOTE: The President spoke at 10:45 a.m. in Room 450 of the Old Executive Office Building.

Message to the Senate Transmitting the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict *January 6, 1999*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (the Convention) and, for accession, the Hague Protocol, concluded on May 14, 1954, and entered into force on August 7, 1956. Also enclosed for the information of the Senate is the report of the Department of State on the Convention and the Hague Protocol.

I also wish to take this opportunity to reiterate my support for the prompt approval of Protocol II Additional to the Geneva Conventions of 12 August 1949, concluded at Geneva on June 10, 1977 (Protocol II). Protocol II, which deals with noninternational armed conflicts, or civil wars, was transmitted to the Senate for advice and consent to ratification in 1987 by President Reagan but has not been acted upon.

The Hague Convention

The Convention was signed by the United States on May 14, 1954, the same day it was concluded; however, it has not been submitted to the Senate for advice and consent to ratification until now.

The Hague Convention, to which more than 80 countries are party, elaborates on obligations contained in earlier treaties. It also establishes a regime for special protection of a highly limited category of cultural property. It provides both for preparations in peacetime for safeguarding cultural property against foreseeable effects of armed conflicts and also for respecting such property in time of war or military occupation. In conformity with the customary practice of nations, the protection of cultural property is not absolute. If cultural property is used for

military purposes, or in the event of imperative military necessity, the protection afforded by the Convention is waived, in accordance with the Convention's terms.

Further, the primary responsibility for the protection of cultural property rests with the party controlling that property, to ensure that the property is properly identified and that it is not used for an unlawful purpose.

The Hague Protocol, which was concluded on the same day as the Convention, but is a separate agreement, contains provisions intended to prevent the exportation of cultural property from occupied territory. It obligates an occupying power to prevent the exportation of cultural property from territory it occupies, requires each party to take into its custody cultural property exported contrary to the Protocol, and requires parties to return such cultural property at the close of hostilities. However, as described in the report of the Secretary of State, there are concerns about the acceptability of Section I of the Hague Protocol. I therefore recommend that at the time of accession, the United States exercise its right under Section III of the Hague Protocol to declare that it will not be bound by the provisions of Section I.

The United States signed the Convention on May 14, 1954. Since that time, it has been subject to detailed interagency reviews. Based on these reviews, I have concluded that the United States should now become a party to the Convention and to the Hague Protocol, subject to the understandings and declaration contained in the report of the Department of State.

United States military policy and the conduct of operations are entirely consistent with the Convention's provisions. In large measure, the practices required by the Convention to protect

Jan. 6 / Administration of William J. Clinton, 1999

cultural property were based upon the practices of U.S. military forces during World War II. A number of concerns that resulted in the original decision not to submit the Convention for advice and consent have not materialized in the decades of experience with the Convention since its entry into force. The minor concerns that remain relate to ambiguities in language that should be addressed through appropriate understandings, as set forth in the report of the Department of State.

I believe that ratification of the Convention and accession to the Protocol will underscore our long commitment, as well as our practice in combat, to protect the world's cultural resources.

I am also mindful of the international process underway for review of the Convention. By becoming a party, we will be in a stronger position to shape any proposed amendments and help ensure that U.S. interests are preserved.

I recommend, in light of these considerations, that the Senate give early and favorable consideration to the Convention and the Protocol and give its advice and consent to ratification and accession, subject to the understandings and declaration contained in the report of the Department of State.

Protocol II Additional

In his transmittal message dated January 29, 1987, President Reagan requested the advice and consent of the Senate to ratification of Protocol II. The Senate, however, did not act on Protocol II. I believe the Senate should now renew its consideration of this important law-of-war agreement.

Protocol II expands upon the fundamental humanitarian provisions contained in the 1949 Geneva Conventions with respect to internal armed conflicts. Such internal conflicts have been the source of appalling civilian suffering, particularly over the last several decades. Protocol II is aimed specifically at ameliorating the suffering of victims of such internal conflicts and, in particular, is directed at protecting civilians who, as we have witnessed with such horror this very decade, all too often find themselves caught in the crossfire of such conflicts. Indeed, if Protocol II's fundamental rules were observed, many of the worst human tragedies of recent internal armed conflicts would have been avoided.

Because the United States traditionally has held a leadership position in matters relating to the law of war, our ratification would help give Protocol II the visibility and respect it deserves and would enhance efforts to further ameliorate the suffering of war's victims—especially, in this case, victims of internal armed conflicts.

I therefore recommend that the Senate renew its consideration of Protocol II Additional and give its advice and consent to ratification, subject to the understandings and reservations that are described fully in the report attached to the original January 29, 1987, transmittal message to the Senate.

WILLIAM J. CLINTON

The White House,
January 6, 1999.

NOTE: An original was not available for verification of the content of this message.

Remarks on Funding for Quality After-School Programs

January 7, 1999

Thank you very much, Mr. Vice President. I want to thank all those who have spoken before and all of you who are here. I say a special word of appreciation to the Members of the Congress who have come, the members of the education community, the employees of the Department of Education.

I want to thank Congressman Ford for his stirring speech. I was looking at Congressman Ford, thinking, you know, I was 28 once. [Laughter] And when I ran for Congress at that age, I got beat. I see why he got elected. [Laughter]

I thank Senator Kennedy, for his lifetime of literally an example of unparalleled service in